

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALONZO SHAFFER,

Plaintiff,

v.

BRENT D. REYHOUT, et al.,

Defendants.

CASE No. 1:16-CV-883

HON. ROBERT J. JONKER

ORDER APPROVING AND ADOPTING
REPORT AND RECOMMENDATION

The Court has reviewed Magistrate Judge Green’s Report and Recommendation (ECF No. 211), Defendants’ response in support (ECF No. 215)¹ and a submission by Plaintiff docketed by the Clerk of Court as an Objection to the Report and Recommendation (ECF No. 216). Under the Federal Rules of Civil Procedure, where, as here, a party has objected to portions of a Report and Recommendation, “[t]he district judge . . . has a duty to reject the magistrate judge’s recommendation unless, on de novo reconsideration, he or she finds it justified.” 12 WRIGHT, MILLER, & MARCUS, FEDERAL PRACTICE AND PROCEDURE § 3070.2, at 381 (2d ed. 1997). Specifically, the Rules provide that:

The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

¹ In addition to backing the result recommended by the Magistrate Judge, the defense further asks this Court to impose a pre-filing screening requirement on further submissions by Plaintiff. The record does not yet warrant this type of relief.

FED R. CIV. P. 72(b)(3). De novo review in these circumstances requires at least a review of the evidence before the Magistrate Judge. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981). The Court has reviewed de novo the claims and evidence presented to the Magistrate Judge; the Report and Recommendation itself; and Plaintiff's objections. After its review, the Court finds that Magistrate Judge Green's Report and Recommendation is factually sound and legally correct.

The Magistrate Judge recommends denying Plaintiff's motion to reopen his case. (ECF No. 207). The Magistrate Judge observed that the case has been closed since the Sixth Circuit Court of Appeals' mandate issued on June 27, 2019. The magistrate judge further reasoned that the motion to reopen, which was filed more than three years later, is without merit under the applicable rules for examining such motions, namely, Rules 59 and 60 of the Federal Rules of Civil Procedure. Plaintiff's submission utterly fails to address the Magistrate Judge's Report and Recommendation or the applicable rules in any meaningful way. His "objections" primarily reiterate and expand upon Plaintiff's conclusory assertion that he has somehow been wronged.² The Magistrate Judge carefully and thoroughly considered the record, the parties' arguments, and the governing law. The Magistrate Judge properly analyzed Plaintiff's claims. Nothing in Plaintiff's objections changes the fundamental analysis.

² An objection which is not "clear enough to enable the district court to discern those issues that are dispositive and contentious," is insufficient to permit review of the magistrate judge's report. *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995). Thus, a "general objection to a magistrate's report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed" to merit de novo review. The Court is inclined to believe Plaintiff's objection, at most, amounts to a general objection. Out of an abundance of caution, the Court has nevertheless considered the entire record de novo.

ACCORDINGLY, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 211) is **APPROVED AND ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's Motion to Reopen Case (ECF No. 207) is **DENIED**.

Dated: October 4, 2022

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE